

Appl. No. 10/555,646  
In re VASILESCU et al.  
Reply to Office Action of April 13, 2007

**REMARKS/ARGUMENTS**

The Examiner is thanked for the Official Action dated April 13, 2007. This amendment and request for reconsideration is intended to be fully responsive thereto.

The specification was objected to because of minor informalities. The specification has been amended to overcome this objection. No new matter has been added.

The abstract of the specification has been amended to correct minor informalities. No new matter has been added.


Claim 7 was objected to because of the limitation "balancing means" had no antecedent basis in the specification. Applicant respectfully disagrees. The balancing means (or mechanism) is clearly disclosed on page 25, lines 8-11, 15-19, and 22-25 of the specification. Those skilled in the art would readily realize that the cut-outs 178a, the at least one through hole in at least one of the fans, the chamfers 88a, etc., disclosed on page 25, lines 8-11, 15-19, and 22-25 of the specification, represent the balancing means (or mechanism) of the ventilating device. Claim 7 has been amended to replace the "balancing means" with the "balancing mechanism". No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

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above, claim 1 defines the invention over Mayne. Therefore, claims 5 and 12 define the present invention over the prior art and are in condition for allowance.

It is respectfully submitted that claims 1-13 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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The drawings were objected to by the Examiner for not showing the limitation “balancing means” recited in claim 7. Applicant respectfully disagrees.

As argued above the balancing means (or mechanism) in the form of the cut-outs 178a, the at least one through hole (176 or 276) in at least one of the fans, the chamfers 88a, the groove 177, etc., are disclosed on page 25, lines 8-25 of the specification and clearly shown on Figs. 3 and 16.

Claims 1, 2, 3, 10 and 11 have been amended to replace the “means for fastening the two fans (62a, 62b)” with the “fan fastening mechanism”. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

Claims 2, 3, 4 and 5 have been amended to replace the “fastening points (80, 82)” with the “fan fastening points (80, 82)”. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

Claim 6 has been amended to replace the “fastening points (76)” with the “rotor fastening points (76)”. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

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Claim 12 has been amended to replace the “circumferential indexing means (72a, 74a, 72b, 74b)” with the “circumferential indexing mechanism (72a, 74a, 72b, 74b)”. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

Claim 13 has been amended to replace the “thermal insulating means” with the “thermal insulating mechanism”. No new matter has been added. The specification has been correspondingly amended. No new matter has been added.

Claims 1-13 have been amended to correct minor informalities. No new matter has been added.

Claims 1-4, 6-11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Mayne (US 2,962,207). Applicant respectfully disagrees.

Regarding claim 1: In order to expedite the prosecution of the present application, claim 1 has been amended to further specify that the first and second mutual overlapping portions (78a) and (78b) are superimposed on each other to define an overlap zone (Z). The antecedent basis for this amendment could be found in Figs. 2, 5, 6, 8, 11, 12 and 16, and page 14, lines 23-26 of the present application. No new matter has been added.

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Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). The absence of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Contrary to the Examiner's allegation, Mayne fails to disclose the first and second mutual overlapping portions superimposed on each other to define an overlap zone. Mayne discloses and shows in Fig. 1 that discs 12 (thus the connecting portions 20 interpreted by the examiner as branches) of the first and second fans 10, 10a are axially spaced from each other. Those skilled in the art would realize that the word "superimpose" is defined as "to place on something else", while the word "overlap" is defined as "to coincide in part with; have in common with". Clearly, the connecting portions 20 of the first and second fans 10, 10a of Mayne are not superimposed on each other, as they are spaced from each other, thus not define an overlap zone. Accordingly, Mayne also fails to disclose the fan fastening mechanism (80, 82) arranged at least partly in the overlap zone (Z). Contrary to the present invention, Mayne discloses that "the tabs 18 projecting through the openings 40 of the opposite stamping" (see col. 2, lines 48-49).

Moreover, Mayne fails to disclose first blades extending radially outwardly from a first central plate portion of a first fan and second blades extending radially outwardly from a second central plate portion of a second fan. Contrary to the present invention, the blades 30

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of Mayne are extending axially from (orthogonally to) the discs 12 ("project at angle to the disc portion 12 and the ring portion 36" (see col. 2, lines 31-34) of the first and second fans 10, 10a (see Figs. 1-3 and 6-9, and column 2, lines 31-34 and 40-44), not radially outwardly as recited in claim 1.

For these reasons, Applicant respectfully submits that the applied document, *i.e.*, the '207 patent to Mayne, does not meet this standard of anticipation. Accordingly, the Section 102(b) rejection of claims 1-13 is improper, and Applicant requests withdrawal of the same.

Regarding claim 7: In addition to the above arguments regarding the patentability of claim 1, Mayne fails to disclose a balancing mechanism. While recognizing that the pending claims must be given their broadest reasonable interpretation, such an interpretation must be consistent with the specification, as stated in MPEP § 2111. As clearly disclosed in the present application, the balancing arrangement enables the fans to be balanced in advance (in a pre-balancing operation), by adding material to, or removing it from, some places, such as cut-outs, through holes, etc. (see page 25, lines 8-17). Thus, contrary to the examiner's allegations, those skilled in the art would not interpret the tabs 18 of Mayne as the balancing mechanism. Moreover, Mayne fails to teach or suggest that the tabs 18 could be used for balancing of the blower wheel.

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Regarding claim 13: In addition to the above arguments regarding the patentability of claim 1, Mayne fails to disclose a thermal insulating mechanism (or means) interposed between the first and second overlapping portions.

While recognizing that the pending claims must be given their broadest reasonable interpretation, such an interpretation must be consistent with the specification and must also be consistent with the interpretation that those skilled in the art would reach, as stated in MPEP § 2111. Applicant believes that those skilled in the art would not possibly interpret air as the thermal insulating mechanism in the ventilating device, as the whole purpose of the ventilating device of the present invention is to move air for the purpose of cooling the electrical machine. Clearly, if air were a thermal insulator, it would not be used for cooling the electrical machine. Those skilled in the art would readily realize that while not being the best conductor, air is not a thermal insulator. The thermal conducting properties of the air are widely used in everyday life, such as in air cooling motorcycle engines and various electrical machines, in hair driers, heating of the buildings, etc. Moreover, as clearly disclosed in the present application, the thermal insulating mechanism is in the form of some kind of thermally insulating coating or layer.

The Examiner further noted that claims 5 and 12 were objected to as being dependent upon the rejected base claim 1, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. As it was argued